

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration & Urban Development Department - Hyderabad Metro Rail Project Limited - Issue of Hyderabad Urban Rail System (Collection of Fare by Concessionaire) Rules under Section 81 of the Andhra Pradesh Municipal Tramways (Construction, Operation & Maintenance) Act, 2008 - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (H1) DEPARTMENT

G.O.Ms.No. 127.

Dated:13-04-2011.

Read:

From the Managing Director, Hyderabad Metro Rail Limited
Lr.No.443/GM(F&CA)/FN/2010, dt:05-01-2011.

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ORDER: -

The following notification will be published in an extraordinary issue of the Andhra Pradesh Gazette, dated:15-04-2011.

NOTIFICATION

In exercise of the powers conferred under Section 81 of the Andhra Pradesh Municipal Tramways (Construction, Operation and Maintenance) Act, 2008 (Andhra Pradesh Act No.38 of 2008), the Governor of Andhra Pradesh hereby makes the following Rules for collection of fee for use of Hyderabad Urban Rail System:

1 Short title, commencement and application:-

- (1) These Rules may be called the Hyderabad Urban Rail System (Collection of Fare by Concessionaire) Rules, 2011.
- (2) They shall come into force on the date of their publication in the Official Gazette and shall apply to all concessions granted by the State Government after such date.

2 Definitions:-

- (1) In these Rules, unless the context otherwise requires,
 - (a) “Act” means the Andhra Pradesh Municipal Tramways (Construction, Operation and Maintenance) Act, 2008;
 - (b) “appellate authority” means any officer not below the rank of superintending engineer or equivalent designated as such by the Government;
 - (c) “concession agreement” means an agreement entered into between the Government and any person or persons for construction, operation or maintenance of a rail system for transportation in Hyderabad urban area;
 - (d) “concessionaire” means a person who has entered into a concession agreement with the Government under the provisions of the Act;
 - (e) “Government” means the Government of Andhra Pradesh;
 - (f) “rail system” means the rail system that is constructed, operated or maintained under a concession agreement for transporting commuters in an urban area;
 - (g) “train” means a body of one or more coaches that is hauled as a single unit for transporting users on the Rail System;
 - (h) “unauthorised collection” means the collection of any amount not provided for in these Rules, by the concessionaire;

- (i) “user” means a person who uses the rail system or any part thereof on payment of fare;
- (j) “WPI” means the Wholesale Price Index as published by the Ministry of Industry, Government of India or any Index published in substitution thereof by the Government of India; and
- (k) “Year” means a period from 1st April of a year and ending on 31st March of the following year.

(2) Words and expressions used herein but not defined in these Rules shall have the meaning respectively assigned to them in the Act.

3 Levy and collection of fare:-

- (1) There shall be levied and paid to the concessionaire by every user, a fare under and in accordance with the provisions of these Rules.
- (2) Every user, upon payment of fare shall be issued a ticket / token / smart card by the concessionaire.

4 Basic fare:-

- (1) Basic fare for travel on the rail system shall be as specified in column (3) below.

Serial No. (1)	Distance to be travelled (in km) (2)	Basic fare (in Rs.) (3)
1.	Upto 2	8
2.	More than 2 and up to 6	10
3.	More than 6 and up to 10	12
4.	More than 10 and up to 14	14
5.	More than 14 and up to 18	16
6	More than 18	19
7	Unlimited use for the day	40

- (2) Basic fare for parking at any designated parking area of the rail system shall be as specified in column (4) below.

(1)	Vehicle (2)	Time period of parking (3)	Basic fare (in Rs.) (4)
1.	Car	Upto 2 hours For every hour in excess of the first 2 hours	10 5
2.	Motorised 2-wheeler	Upto 2 hours For every hour in excess of the first 2 hours	4 2

- (3) The basic fare for parking specified in sub-rule (2) above shall be increased by 50% (fifty per cent) thereof for parking provided in the basement or on a floor above the ground floor.

5 Annual revision of basic fares:-

- (1) The basic fares referred to in Rule 4 shall be increased annually, without compounding, by 5% (five per cent) thereof for a period of 15 (fifteen) successive years commencing from April 1, 2014. The first increase of 5% (five per cent) hereunder shall take effect on April 1, 2015, and the last and fifteenth such increase shall be affected on April 1, 2029. Such increased rates shall be deemed to be the base rates for the purpose of these Rules.

Illustration:

For a rail system that is commissioned on April 1, 2015 the basic fare for a journey of less than 2 km shall be Rs. 8.40 per trip.

- (2) The applicable basic fare shall be revised annually with effect from April 1 each year to reflect the variation in Wholesale Price Index between the week ending on January 31, 2009 and the week ending on or immediately after January 31 of the year in which such revision is undertaken, but such revision shall be restricted to 60% (sixty per cent) of the increase in Wholesale Price Index.

The formula for determining the fare due and payable under these Rules shall be as follows:

$$\text{Fare} = b + \left(b \frac{WPI_B}{WPI_A} - b \right) \times 0.6$$

Where,

b is the basic fare determined for the rail system as per sub-rule (1) above;

WPI_B is the WPI of the week ending on or immediately after January 31 of the year in which such revision is undertaken ; and

WPI_A is the WPI of the week ending on January 31, 2009.

Illustration:

For a rail system commissioned on April 1, 2015, the annual revision on April 1, 2015 for travel up to 2 km shall be the sum of (i) basic fare as on April 1, 2014 under sub-rule (1) above, i.e. Rs. 8.40, and (ii) assuming an inflation of 20 % (twenty per cent) in WPI between the week ending on January 31, 2014 and the week ending on or immediately after January of 2015, 60% (sixty per cent) of such inflation, i.e. 12% (twelve per cent) of (i) above, amounting to Rs 1.01. The fare as on April 1, 2015 shall thus be Rs. 9.41 per user and shall be rounded to Rs.9.00 per user in accordance with Rule 13.

- (3) Notwithstanding anything to the contrary contained herein, if revision of fare shall fall due before completion of 6 (six) months from the date on which such fare was levied and collected, such revision shall be kept in abeyance until the completion of the aforesaid 6 (six) months.
- (4) Annual revision of fare under sub-rule (1) and sub-rule (2) above shall be effective from 1st April every year and no further notification shall be required for giving effect to such revision.

6 Peak and off-peak fare:-

- (1) The Concessionaire may, after obtaining prior written approval of the Government, (which approval the Government may in its discretion deny,) levy and collect a higher and discounted fare (the “**differential fare**”) for use of the rail system, during peak and off-peak hours respectively in accordance with this Rule :

Provided, that such differential fare shall not apply to users availing of a lower fare under Rule 9.

- (2) The concessionaire shall, for the purposes of these Rules, designate not more than 4 (four) hours in a day as peak hours and a period equal to twice the peak hours as off-peak hours. During the peak hours, the concessionaire may levy and collect a premium upto 25% (twenty-five per cent) on the applicable fare or such higher premium as the Government

may by order permit. Simultaneously, with levy of such premium for peak hours, the concessionaire shall offer a discount during off-peak hours for an amount equal to the premium for peak hours. For the avoidance of doubt, the determination of differential fare shall be with reference to the time of entry of a user in the respective train.

- (3) If the determination and collection of differential fare results in an increase in the fare revenues of the concessionaire, then 80% (eighty per cent) of the additional revenue in each year resulting from the differential fare shall be deposited in a Safety Fund and used in accordance with provisions of the concession agreement. For the purposes of this sub-rule, additional revenue from differential fare shall mean the gross amount collected at differential fare pursuant to this Rule, less gross revenues which would have been collected at the applicable fare on footing that the option to levy and collect differential fare pursuant to this Rule has not been exercised by the concessionaire.

7 Fare collection points:-

- (1) For collection of fare under these Rules, the concessionaire shall establish and operate ticket counters and ticket vending machines in accordance with the provisions of its concession agreement.
- (2) The Concessionaire may install fare collection gates for checking evasion of fares.

8 Remittance and utilisation of fare:-

The fare collected shall be appropriated by the concessionaire in accordance with and for the performance of its obligations under and in accordance with the provisions of the concession agreement.

9 Discounted rates for frequent users:-

- (1) Upon request from any person, the concessionaire shall issue a return ticket on payment of a sum equal to 180% (one hundred and eighty per cent) of the fare payable if it were to undertake a single one-way trip on the rail system. Such return pass shall entitle the user to undertake a return journey on the same day as the outward journey.
- (2) Upon request from any person, the concessionaire shall issue a daily pass on payment of a sum equal to twice the Fare payable if it were to undertake a single one-way trip on the longest route of the rail system. Such daily pass shall entitle the user to unlimited travel on the rail system for the date of issue.
- (3) The concessionaire shall, upon request from any person for issue of a weekly pass, issue such pass on payment of a sum equal to ten times of the Fare payable if it were to undertake a single one-way trip on the selected section of the rail system. Such weekly pass shall entitle the user to unlimited travel on such section of the rail system for one week from the date of issue.
- (4) The concessionaire shall, upon request from any person for issue of a monthly pass, issue such pass on payment of a sum equal to forty times the Fare payable if it were to undertake a single one-way trip on the selected section of the rail system. Such monthly pass shall entitle the user to unlimited travel on such section of the rail system for one month from the date of issue.
- (5) In addition to the above, the Government may prescribe any other scheme of discounted fares under these Rules.

10 Luggage:-

- (1) A user may carry upto 10 (ten) kg of luggage without any payment for such luggage.
- (2) A user may carry a cycle at any time other than peak hours without any payment for such cycle.
- (3) Users may, at any time other than peak hours, carry luggage in excess of 10 (ten) kilograms, but not exceeding 40 (forty) kilograms, upon payment of basic fare calculated at the rate of Rs. 1 (one) per kilogram, which rate may be revised by the concessionaire in accordance with rule 5:

Provided that any luggage which is hazardous, unhygienic or in any manner offensive to other users shall not be permitted on the train.

11 Increase in Fares due to increase in insurance premium:-

In the event of a significant rise in the risk premium for insurance on account of a change in the security environment, the concessionaire shall be entitled to recover 80% (eighty per cent) of such increase in premium from the users by means of a corresponding increase in fares with the prior written approval of the Government which approval shall not be unreasonably withheld.

12 Additional charge for evasion of fare:-

The concessionaire shall be entitled to levy and collect an additional sum equal to the greater of three times the applicable fare or Rs.100 from a person found to be evading payment of fare due. Such additional sum shall be deemed to be fare due and payable under these Rules and may be used for defraying the expenses on prevention of such evasion.

Provided that the concessionaire shall not be entitled to any reduction in its liability on account of any amount payable by it to the Government or to any other relief from or any claim against the Government for:

- (a) its failure to stop evasion of fares; and
- (b) its failure to collect fares prescribed under these Rules.

13 Rounding off of fares:-

Fares to be collected under these Rules shall be rounded off to the nearest Rupee.

14 Commencement of fare collection:-

Levy and collection of fares shall commence upon completion/provisional completion of construction of the rail system for entry into commercial service, in accordance with the provisions of the concession agreement.

15 Display of fares:-

- (1) The concessionaire shall, near the entry point of each station, prominently display the applicable fares for information of users approaching from either side of the station.
- (2) The concessionaire shall from time to time, by written notice, inform the Government of the applicable fares and the detailed calculation thereof. Such information shall be communicated at least 30 days prior to the date of initial levy of fares or revision thereof, as the case may be.
- (3) The concessionaire shall, at least 15 days prior to the commencement of collection of fare or revised fare, as the case may be, publish a notice specifying the actual amount of fare to be charged from users, in at least one newspaper each in English and local language of the area and having a wide circulation in such area.

16 Unauthorised collection:-

- (1) In the event that a concessionaire collects from any person a sum of money not due and payable hereunder, the concessionaire shall be liable to refund to such person forthwith the amount so collected along with a sum computed @ 0.5 % (zero point five per cent) of the amount so collected, for each day from the date of collection till the date of refund, by way of damages. In the event that such amount together with damages computed in the manner as aforesaid is not paid to such person for any reason whatsoever, the same shall be deposited with the Government within a period of 15 (fifteen) days from the date of such collection.
- (2) Any user aggrieved with the collection of unauthorised fare, may lodge a complaint with the authorised representative of the concessionaire who shall, after hearing the Parties pass an order on such complaint within 30 (thirty) days of receiving the complaint and appeal, if any, against such order may be made to the appellate authority designated as such by the Government within 45 (forty five) days of the date on which the order of the authorised representative was received by such user. In passing an order under this Rule, the authorised representative or the appellate authority may, after giving an opportunity of hearing to the complainant and the concessionaire, direct the concessionaire to refund the excess payment and may also award damages for the inconvenience suffered by an applicant.
- (3) The concessionaire shall keep a record of all complaints received and action taken thereon with respect to the fare collection, and forward a copy on a fortnightly basis to the authorised representative of the Government.
- (4) The Government may assess the excess fare collection, if any, made by a concessionaire and take appropriate action for recovering the same from such concessionaire along with an additional sum equal to the 25% (twenty five per cent) of the excess fare collection. Such additional sum shall be deemed to be predetermined liquidated damages for assessment and recovery of the excess fare collection.

17 Power of Government to verify records:-

The Government shall have the power to verify, through any of its designated officers, the collection of fares and for this purpose, inspect any document, records, other information or reports of the concessionaire.

18 Exempted Users:-

The following categories of Users shall be exempted from payment of Fare:

- (i) Employees of the concessionaire on duty; and
- (ii) Security personnel on duty.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.S.APPA RAO
PRINCIPAL SECRETARY TO GOVERNMENT(UD)

To
The Commissioner, Printing, Stationery & Stores Purchase, Hyderabad.
(with a request to furnish 100 copies each to Government and Managing
Director, Hyderabad Metro Rail Project Limited, Hyderabad)

The Chief Secretary to Government, Andhra Pradesh.
The Managing Director, Hyderabad Metro Rail Project Limited, Hyderabad.

Copy to:

The Secretary to Chief Minister,
The Special Secretary to Chief Minister,
The P.S. to Prl. Secretary (UD), MA & UD Department.
The P.S to M (MA),
The Law (A) Department
The Finance (Expr. M&F) Department.
SF/SC.

//FORWARDED ::BY:: ORDER//

SECTION OFFICER